

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**August 5, 2002**

**IN RE:**

**APPROVAL OF RESALE AGREEMENT  
NEGOTIATED BY BELL SOUTH  
TELECOMMUNICATIONS, INC. AND DPI  
TELECONNECT, LLC PURSUANT TO  
SECTIONS 251 AND 252 OF THE  
TELECOMMUNICATIONS ACT OF 1996**

**DOCKET NO. 02-00479**

---

**ORDER APPROVING RESALE AGREEMENT**

---

This matter came before Chairman Sara Kyle, Director Pat Miller, and Director Ron Jones, of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned in this docket, at a regularly scheduled Authority Conference held on July 23, 2002 to consider, pursuant to 47 U.S.C. § 252, the *Petition for Approval of Resale Agreement Negotiated Between BellSouth Telecommunications, Inc. and DPI Teleconnect, LLC Pursuant to the Telecommunications Act of 1996* (the "Agreement"). The Agreement was filed on April 29, 2002.

Based upon the Petition, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously approved the Agreement and made the following findings and conclusions:

- 1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.

3) The Agreement is not discriminatory to telecommunications service providers that are not parties thereto.

4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).<sup>1</sup> Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the Agreement is consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.

5) No person or entity has sought to intervene in this docket.

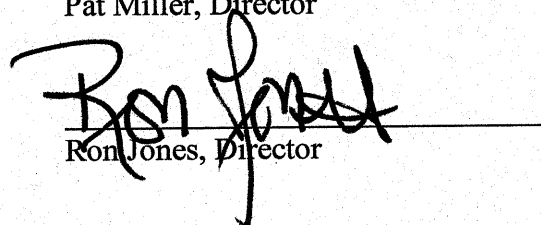
6) The Agreement is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

**IT IS THEREFORE ORDERED THAT:**

The Resale Agreement negotiated between BellSouth Telecommunications, Inc. and DPI Teleconnect, LLC is approved and is subject to the review of the Authority as provided herein.

  
Sara Kyle, Chairman

  
Pat Miller, Director

  
Ron Jones, Director

<sup>1</sup> See 47 U.S.C. § 252(e)(2)(B)(Supp. 2001).